THE HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.5777 of 2006

Date : 4-8-2006

Between:

Mandala Venkanna s/o.Sri Hari ..
Petitioner

And

1. The Principal Secretary, represented by
   State of A.P., Panchayat Raj
   Department, Secretariat, Hyderabad.
2. The District Collector, Warangal District,
   Warangal.
3. The District Panchayat Officer,
   Warangal, Warangal District.
4. Panchayat Secretary,
   Mahaboobabad, Warangal District.
5. Mrs.Chevula Radha, w/o.Prabhakar,
   r/o.Krishna colony, Mahaboobabad,
   Warangal District.

THE HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.5777 of 2006

ORDER:

1. Heard the Counsel on record.

2. This Court issued Rule Nisi on 23-3-2006 and on 6-7-2006 this Court made the following order:

> "There appears to be some dispute or controversy relating to the stage of construction. The Counsel for petitioner asserting that after Rule Nisi was issued by this Court, the opposite party had proceeded with construction and the same is being disputed by the other side.
>
> In the facts and circumstances, status quo as on today to be maintained until further orders."

3. The Writ Petition is filed for a Writ of Mandamus or any other appropriate writ, order or direction declaring the action of the respondents in allowing the 5th respondent to construct the wall obstructing the usage of road and causing inconvenience to the petitioner as illegal, arbitrary and stay of any construction made by the 5th respondent obstructing the petitioner and others for usage of Panchayat road and consequently to direct the respondents 2 and 3 to conduct an enquiry and to take appropriate action against the 5th respondent basing on the representation submitted by the petitioner dated 10-2-2006 and to pass such other suitable orders.

4. The 5th respondent filed W.V.M.P.No.1388/2006 substantially denying the allegations made in the affidavit filed in support of the Writ Petition. It is stated in the Writ Petition filed in support of the Writ Petition by the petitioner that the 4th respondent approved the lay out submitted by Smt.Vanam Lakshmanna, Sri Vanam Nageswara Rao and Sri Vanam Kamalakar Rao, situate at Mahaboobabad Gram Panchayat bearing its R.S.Nos.531. 532 and 536 for residential and commercial buildings. The 5th respondent purchased plot Nos.2 and 6 in R.S.No.536. It is also stated that in between plot Nos.2 and 6 there is a 24 feet wide road for the convenience of the residents of Krishna colony, Vikram Nagar colony, Signal colony and Bhagat Singh colony. It is also stated that the 5th respondent filed O.S.No.24/2002 and O.S.No.24/2002 on the file of the learned Junior Civil Judge, Mahaboobabad and obtained injunction against Gram Panchayat and enjoying the road. With collusion of both the parties, the matter was referred to the Lok Adalat on 29-10-2004 and the Gram Panchayat agreed to take the compensated land for the existing road in the other side of the plots belonging to the 5th respondent and matters were settled out of court. It is also stated that as a result of the settlement between respondents 4 and 5, nearly 3000 people belonging to five colonies are suffering for round-around the plots of the 5th respondent to reach their houses which is causing lot of inconvenience to the

residents of the said five colonies. Schedule land other factual details also had been narrated. It is also stated that in the circumstances, the petitioner made a representation on 10-2-2006 before respondents 2 and 3 to stopping the construction of the wall on the said road and make it convenient to the general public, but the authorities neither conducted any enquiry nor stopped the construction. In such circumstances, the petitioner had approached this Court for the issuance of the directions referred to supra.

5. The 5th respondent filed a counter affidavit wherein the 5th respondent specifically had raised an objection relating to the locus standi of the petitioner to question the same on the ground that the petitioner is not a affected party. It is also stated that there is no approved town planning for Krishna colony by the Director of Town Planning, Hyderabad over the disputed land and roads in Sy.No.536. The 5th respondent also stated that she purchased two plots ie., plot No.2 and plot No.6 in Sy.No.536. There is no road in between plot No.2 and plot No.6. It is also stated that the 5th respondent approached the Gram Panchayat seeking permission to construct R.C.C. building. The Gram Panchayat initially granted permission to construct the building, but subsequently issued notice dated 18-12-1999 to stop the construction temporarily. Therefore the 5th respondent filed suit O.S.No.24/2002 before the learned Junior Civil Judge, Mahaboobabad and

the said suit was referred to the Lok Adalat for disposal and on filing a compromise petition by both the parties. It is also further stated that before the Lok Adalat the Gram panchayat accepted the request of the 5th respondent on condition of surrendering an extent of land of 592 sq. yards to lay the road and on that condition the two suits filed and pending were decreed. It is also stated that in the light of the copy of the order of the Lok Adalat, the stand taken by the other side that there is collusion between the Gram Panchayat and the 5th respondent cannot be sustained. It is also stated that the District Panchayat officer – 3rd respondent, directed the Divisional Panchayat Officer, Mahaboobabad to enquire into the road disputes of Sy.Nos.531, 532 and 536 in Krishna colony of Mahaboobabad. Then the Divisional Panchayat Officer made an enquiry and submitted a report on 29-10-2003. Basing on the Divisional Panchayat Officer's report the District Panchayat Officer issued a memo No.6420/2003/Ex.A.4, defendant 25-5-2004 stating that after resolving the dispute by compromise the permission which was given by the Gram Panchayat dated 20-6-2003 will come into effect. It is also stated that after the Lok Adalat order the 5th respondent had surrendered an extent of 592 sq. yards to the 4th respondent and the 4th respondent handed over the land admeasuring 590 sq. yards to the 5th respondent. Thereafter the 5th respondent

had taken all the necessary permissions for the purpose of construction of R.C.C. building from the authorities. It is also stated that the petitioner belongs to New Democracy Party and he demanded huge amount from the 5th respondent and when the 5th respondent refused to pay, the petitioner approached this Court to harass the 5th respondent on some pretext or the other.

6. In substance these are the pleadings of the parties. As can be seen from the facts of the case, it appears that the matter was settled as between the Gram Panchayat and the 5th respondent and the suits were disposed of in the light of the settlement before the Lok Adalat. The other factual details need not be narrated at length inasmuch as it is stated that the petitioner already had made a representation dated 10-2-2006 to respondents 2 and 3 to conduct an enquiry and to take appropriate action against the 5th respondent basing on the said representation. Prima facie it appears that there was settlement relating to this dispute before the Lok Adalat. It ma be that all the rest of the general public, the locally affected public, were not impleaded as parties for the reason that the parties are too numerous. It appears there was a settlement between the Gram Panchayat on one hand and the 5th respondent on the other and the same had been in fact recorded by the Lok Adalat. Be that as it may, inasmuch as the petitioner is ventilating the grievance of the general

public and it is stated that a representation dated 10-2-2006 was made, the respondents 2 and 3 to conduct an enquiry relating to the public inconvenience or otherwise, which is ventilated in the said representation and to dispose of the representation within a period of two weeks from the date of receipt of this order. Inasmuch as on 6-7-2006 this Court had granted status quo, till the representation dated 10-2-2006 is disposed of, the status quo granted to be maintained.

7. With the above directions the Writ Petition is disposed of. No costs.

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Justice

P.S.Narayana

Date : 4-8-2006

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